

UNITED STATES DISTRICT COURT  
DISTRICT OF MINNESOTA

Michelle MacDonald Shimota

Plaintiff,

**Court No. 15-cv-1590 (JRT/FLN)**

**Bob Wegner, et. al.,**

## **Defendants .**

## **DEPOSITION OF**

**SERGEANT CHRISTOPHER MELTON**

Taken November 30, 2016

By Ann Marie Holland, CSR



1 A. Right.

2 Q. I get to deal with that every time I enter  
3 a courthouse. It's real fun. But then you have people  
4 that work in the courtrooms, too, right?

5 A. Yes.

6 Q. And you don't always have a deputy in a  
7 courtroom, right? It just kind of depends on the  
8 situation, correct?

9 A. Yes.

10 Q. And how many personnel were there that day  
11 that were available for courthouse or courtroom duty,  
12 sir, or that morning I should say?

13 A. I -- I don't remember that. I just know  
14 that Deputy Napper came into the courtroom with me when  
15 we went down there.

16 Q. Okay. So, Gonder reached out to you, I  
17 take it, with questions as to how to handle the  
18 situation; is that fair?

19 A. He made me aware of the situation.

20 Q. I mean wasn't this kind of a unique  
21 situation?

22 A. Yes.

23 Q. Okay. Had a lawyer ever taken a picture in  
24 a courtroom before during your tenure with the agency?

25 A. I'm not aware of that.

1                   Can I backtrack a little bit, too?

2                   As far as the situation, it was unique in  
3                   the fact that an attorney was involved with the picture  
4                   taking. We have had contacts with the general public  
5                   who were taking pictures of their loved ones when they  
6                   were on trial and stuff like that.

7                   Q. And pictures nowadays, with the technology,  
8                   are a lot easier to take today than perhaps maybe twenty  
9                   years ago, right? I mean with cell phones, you can  
10                  easily take a picture surreptitiously, without anybody  
11                  knowing, right?

12                  A. That's correct.

13                  Q. Okay. So, he reached out to you, it sounds  
14                  like, because he needed assistance, correct?

15                  A. Yes.

16                  Q. Was there any question or concern about  
17                  whether this was a violation of the law in the first  
18                  instance?

19                  A. No.

20                  Q. Well, isn't there a distinction of when  
21                  court is in session and when it is not in session with  
22                  this particular rule?

23                  A. Not that I'm aware of.

24                  Q. Well, there's no dispute, was there, that  
25                  the picture was taken when the judge was not in the

1           A.    No.

2           Q.    Do you like them?

3           A.    Yes.

4           Q.    You like them?

5           A.    Yes.

6           Q.    Some people don't like attorneys, right?

7           A.    Correct.

8           Q.    Okay. But you are in the category where  
9           you are okay with attorneys?

10          A.    Yeah.

11          Q.    Okay. Had you ever issued a citation to an  
12         attorney before in the courtroom or in the holding area?

13          A.    No.

14          Q.    Okay. So this was the first time, right?

15          A.    Correct.

16          Q.    So, it sounds to me like your involvement  
17         with this situation with escorting the attorney out of  
18         the courtroom into an area to give her a citation was  
19         a unique situation for you, correct?

20          A.    Yes.

21          Q.    Okay. Do you know how much time elapsed  
22         from the time that the picture was taken of Deputy  
23         Gonder up until the time she was escorted out of the  
24         courtroom?

25          A.    I believe I was notified at 9:16 and then

1       we approached her in the courtroom during a recess,  
2       which was about 10/28.

3           Q. So when you approached her in the  
4       courtroom, the judge wasn't in the courtroom, correct?

5           A. They had recessed, so.

6           Q. So he wasn't in there?

7           A. I don't know where he was at. I assume he  
8       was walking out or he was out of the courtroom.

9           Q. Okay. Do you know what time Gonder called  
10      you or contacted you, I don't mean called, but contacted  
11      you about the fact that the picture had been taken?

12          A. It was around 9:16.

13          Q. So it was around the same time?

14          A. Yeah.

15          Q. Okay. Was there any reason why she wasn't  
16      dealt with sooner or were you just waiting for a recess?

17          A. I was waiting for a recess. I didn't want  
18      to interrupt court proceedings.

19          Q. From the time that Gonder contacted you up  
20      until the time that Ms. MacDonald was escorted out of  
21      the courtroom did you contact anyone about how to deal  
22      with the situation?

23          A. No.

24          Q. Did you let the judge know that you were  
25      going to do this?

1           A. At some point I did speak with the judge,  
2 yes.

3           Q. Was that after or before she was escorted  
4 out of the courtroom?

5           A. I think it was before.

6           Q. And what did he say?

7           A. Um, I told him I was going to wait until a  
8 break, and he was fine with that, because it was an  
9 important trial to him.

10          Q. But the bottom line was you told him what  
11 you were going to do and you weren't seeking his  
12 permission, correct?

13          A. No.

14          Q. So it was your decision, and your decision  
15 alone, to decide to issue a citation, correct?

16          A. Yes.

17          Q. Okay. When you came up to her, what did  
18 you say to her?

19           MR. TIMMERMAN: I will just clarify,  
20 are you talking about the first encounter?

21           MR. PADDEN: Yes, sir. Thanks.

22           MR. TIMMERMAN: The first encounter  
23 that you had with her, that's what he is asking about.

24           THE WITNESS: Deputy Gonder had taken  
25 the camera already and I went up to her, and she had her

1       cell phone laying up on the table and she was swiping on  
2       it, and I told her that we weren't -- she wasn't allowed  
3       to take pictures in the courtroom. And she said  
4       something about she wanted to make her own record and  
5       she is going to take pictures with her cell phone.

6       BY MR. PADDEN:

7           Q.    Okay. And then what did you do?

8           A.    I think Deputy Gonder took the cell phone  
9       and then --

10          Q.    And then you escorted her out of the  
11       courtroom?

12          A.    No.

13          Q.    So this was the first time?

14          A.    Correct.

15          Q.    Okay. Well, there was a second time then?

16          A.    Yes.

17          Q.    Okay. Tell me about that.

18          A.    That was about 10:28.

19          Q.    How much time elapsed from the first time  
20       to the second time?

21          A.    About an hour and 15 minutes.

22          Q.    Okay. So, at that time she no longer had  
23       her camera and her cell phone?

24          A.    Correct.

25          Q.    But she wasn't escorted out of the

1 courtroom then?

2 A. No.

3 Q. Well, why was she escorted out of the  
4 courtroom 75 minutes later then?

5           A. I asked her if she would come to the  
6         hallway with me because I was going to issue her a  
7         ticket for violating the Court Order. And then she  
8         wasn't coming with me. So then when she didn't  
9         cooperate, I told her she was under arrest.

Q. Why didn't you just give her the citation right there?

12 A. Because I didn't know her true legal name.

13                   Q.    Okay.  But couldn't you have figured that  
14                  out, sir, from other sources, if she didn't tell it to  
15                  you?

16 A. I tried.

17 Q. And what did you try?

18                   A. I went into the Department of Vehicle  
19 Services' website and I entered "Michelle MacDonald,"  
20 and I did not get any returns.

21 O. Okay.

22 A. So then I went into the Odyssey court  
23 website and found a couple of different names that she  
24 had cases under.

25 O. So, your intent was simply to put her name

1       on the citation, put her date of birth and her address,  
2       and then give her the citation, right?

3           A.    Yes.

4           Q.    Okay. And you would have done that but for  
5       the fact that apparently you had trouble ascertaining  
6       what her name was?

7           A.    Her legal name, yes.

8           Q.    Couldn't you have just asked the clerk in  
9       the courtroom what name she was appearing on for that  
10      day in the courtroom?

11           I mean it wasn't any great secret, was it?

12           A.    There is a couple of questions in there.

13           Q.    Okay. Let me break it down.

14           Couldn't you have just gone up to the  
15      court clerk who was in the courtroom and said, "What is  
16      that attorney's name?"

17           A.    I already had tried to find her, so the  
18      name that was on there for the attorney wouldn't give  
19      her date of birth or her full legal name.

20           Q.    Well, I know that part. But couldn't you  
21      have gone on a computer and gotten her driver's license  
22      information off of a computer?

23           A.    I did.

24           Q.    So you would have her date of birth and her  
25      address, right?

1           A. Her -- yes.

2           Q. Sir, here is the thing, okay? It looks  
3 like to me that you guys were kind of mad that she  
4 wasn't voluntarily giving you information.

5           Would you agree with that?

6           A. I wasn't mad.

7           Q. It didn't upset you at all?

8           A. I felt frustrated.

9           Q. Okay. Well, were you angry with her?

10          A. No.

11          Q. Okay. Well, it sounds to me like it was  
12 three pieces of information that you needed for the  
13 citation, you give her the citation and everybody goes  
14 on with the rest of their lives, right?

15          A. Right.

16          Q. And you even said that, when you were  
17 responding to Judge Knutson and questions on the record  
18 that day, didn't you?

19           MR. TIMMERMANN: Do you want to show him  
20 what you are referencing?

21          Q. Sir, do you recall being asked questions by  
22 Judge Knutson on 9/12/13 on the record in the courtroom?

23          A. I gave a statement on the record.

24          Q. No, I -- okay. You prepared an incident  
25 report, correct?

1 A. Yes.

2 Q. Okay. Do you recall being in the courtroom  
3 when the judge was asking you questions on 9/12/13?

4 A. Yes.

5 Q. And you provided answers, correct?

6 A. Yes.

7 Q. And you made it clear what the situation  
8 was, right?

9 A. Yes.

10 Q. And you were looking for three pieces of  
11 information for that citation, right?

12 A. Correct.

13 Q. Okay. And if you could have obtained that  
14 information from other sources, you would have just  
15 given her the citation and that would have been the end  
16 of it, right?

17 A. If I could verify it, yes.

18 Q. And would you agree with me that the  
19 situation escalated?

20 A. Yes.

21 Q. Sir, this attorney ended up back in a  
22 holding area, right?

23 A. Right.

24 Q. And eventually came back in the courtroom  
25 in a wheelchair, right?

1           A. Yes.

2           Q. Were you aware of what happened then after  
3           the judge signed the order releasing her, as to what  
4           happened in her interactions with members of your agency  
5           after that?

6           A. I know that there was something or she  
7           didn't get released right away, but that's the extent of  
8           it.

9           Q. But you don't have firsthand knowledge of  
10          what happened in that regard?

11          A. No.

12          Q. What time did your work shift end on  
13          9/12/13, sir?

14          A. Um, I worked 7:30 to 3:30. And I think I  
15          probably stayed late. I'm not sure though.

16          Q. But you didn't go to the jail, right?

17          A. I think I escorted her over initially and  
18          then left her in the jail staff custody.

19          Q. So, I mean you took her over to the jail  
20          and kind of dealt with some paperwork there, but then  
21          you pretty much boogied, and you were gone?

22          A. Correct.

23          Q. Okay. So you don't really know the  
24          specifics of what happened in the jail other than what  
25          people might have told you, right?

1           A. Exactly.

2           Q. Alright. That just helps me, sir, and sort  
3 of limits my questioning. That's all.

4                         So let's go chronologically with this.

5                         She refused to give you her name and then  
6 you decided to take her out of the courtroom, correct?

7           A. No. I asked her to come out into the  
8 hallway with me because I just wanted to -- I told her  
9 that I was going to issue her a citation and then she  
10 could go back to court.

11          Q. Okay. And then what happened?

12          A. And she didn't want to go. She wanted to  
13 stay in the courtroom. She wanted to make a record of  
14 what I was doing.

15          Q. Okay. Did she seem upset?

16          A. More hesitant to go with me.

17          Q. Okay. Did she seem nervous?

18          A. It looked like a deer in the headlights  
19 look.

20          Q. Right. That's nervous, right? That's a  
21 yes?

22          A. Yes.

23          Q. Okay. When you took her back, and the  
24 place you took her to was behind the courtroom, sir?

25          A. Yeah, it goes to the second floor. There

1       was a bailiff holding area.

2           Q.    Alright. And then when you took her up  
3       there, she refused to give you her information?

4           A.    Yes.

5           Q.    And did that upset you?

6           A.    I felt frustrated.

7           Q.    Okay. And it was only because apparently  
8       this woman had, from your investigation, multiple names?

9           A.    Correct.

10          Q.    But she had a name that she was using in  
11       court that day, correct?

12          A.    Yes.

13          Q.    Okay. Did you ever go to the Court  
14       Reporter and ask the Court Reporter what this lawyer's  
15       name was?

16          A.    No.

17          Q.    How come?

18          A.    Because I have access to the databases.

19          Q.    Okay. And weren't you able to access her  
20       current driver's license?

21          A.    Yes.

22          Q.    Okay. Didn't that have a name?

23          A.    It did have a name.

24          Q.    And that was an active, valid driver's  
25       license, correct?

1 A. Correct.

2 Q. And it had an address?

3 A. Yes.

4 Q. Okay. Nonetheless, when you went back to  
5 her, you still asked her for her name?

6 A. Yes.

7 Q. Did you ask her for the other information  
8 or did you already have that?

9 A. The information?

10 Q. The date of birth, address, right?

11 A. Right.

12 Q. You had that anyway, right?

13 A. I -- I -- I had it, but I didn't know if it  
14 was correct.

15 Q. Well, you got it off of the active driver's  
16 license data, right?

17 A. I did.

18 Q. Did you attempt to get her driver's license  
19 from her?

20 A. No.

21 Q. How come?

22 A. I just asked her to step out into the  
23 hallway with me.

24 Q. Okay. But you never asked her for her  
25 driver's license, correct?

1 A. I don't know if I did or not.

2 Q. Okay. Do you know why it was her client  
3 left the courthouse that day?

4 A. I have no idea.

5 Q. So, it would be your testimony that you are  
6 not aware of any member of your agency telling her  
7 client to leave the courthouse?

8 A. No.

9 Q. What about her file? How did her file end  
10 up out of the courtroom?

11 A. After I watched the video, I saw that the  
12 client and some other people cleaned everything off the  
13 desk and cleared it out.

14 Q. Okay. So, at some point in time you made a  
15 decision that she was in custody?

16 A. Well, once she wouldn't cooperate with me  
17 to go out into the back hallway, I told her she was  
18 under arrest, so she was in custody at that point.

19 Q. You didn't tell her she was under arrest in  
20 the courtroom, correct?

21 A. I did.

22 Q. You told her she was under arrest in the  
23 courtroom?

24 A. Yes.

25 Q. Why was that, sir?

1           A. Because I asked her to come out into the  
2 hallway with me. I told her that I was going to issue  
3 a ticket to her and release her back so that she could  
4 finish the trial.

5           Q. Okay. But you didn't exercise the option  
6 of just giving her the citation in the courtroom,  
7 correct?

8           A. I didn't have her legal name, no.

9           Q. And the only reason you didn't do that was  
10 because in your opinion you didn't have her legal name?

11          A. Correct.

12          Q. Okay. Was it at that point that you told  
13 her she was under arrest because she would not give her  
14 legal name?

15          A. No.

16          Q. Where was it that you told her she was  
17 under arrest?

18          A. When I went out to the table and I told her  
19 that I wanted her to go out to the back hallway with me  
20 so that I could issue her a citation. And she didn't  
21 want to come with me. And I ended up holding on to her  
22 arm and escorting her out, and I told her that she was  
23 under arrest at that point.

24          Q. But she did go with you voluntarily,  
25 correct?

1           A. Yes. She walked with me, yes.

2           Q. Alright. And so then you took her in that  
3 back room, correct?

4           A. Yes.

5           Q. And then took her up to the second floor,  
6 correct?

7           A. Yes.

8           Q. So, now that she was under arrest, that set  
9 off other events, correct?

10          A. Yes.

11          Q. You already had her camera and her cell  
12 phone, right?

13          A. Correct.

14          Q. And you had to get all of her jewelry,  
15 correct?

16          A. At some point.

17          Q. Okay. Let me ask it this way, she  
18 eventually came back into the courtroom, right?

19          A. Yes.

20          Q. Do you remember what she didn't have at  
21 that time in terms of her personal property, sir?

22          A. She probably at that point had her jewelry  
23 removed and her shoes removed.

24          Q. And she was in a wheelchair?

25          A. Correct.

1 Q. Handcuffed?

2 A. Correct.

3 Q. Okay. And you thought that was perfectly  
4 fine?

5 MR. TIMMERMANN: Objection;  
6 argumentative.

7 BY MR. PADDEN:

8 Q. You are okay with that?

9 A. It was her decision to not cooperate.  
10 I asked her multiple times. She said at one point she  
11 wanted to go to the bathroom and I wanted to take her  
12 handcuffs off, she wouldn't cooperate. She just shut  
13 down on me.

14 Q. Yeah, but, sir, the decision to handcuff  
15 her, that wasn't her decision, was it?

16 A. That's our standard operating practice.

17 Q. Who made the decision to handcuff her, sir?

18 A. That's our policy. That's what we do.

19 Q. No, no. Who? Is it you or is it Gonder?

20 Who?

21 MR. TIMMERMANN: Objection; asked and  
22 answered.

23 MR. PADDEN: Well, I'm just trying to  
24 get some clarity on this.

25 THE WITNESS: I don't know who

1 Q. Okay. What are you saying then?

2 A. She shut down. I told her that court was  
3 reconvening and the judge wanted her in the courtroom  
4 and she just sat and she wouldn't stand up. She  
5 wouldn't cooperate, so we got a wheelchair, and I  
6 believe that I and another deputy ended up lifting her  
7 up into the wheelchair.

8 Q. Was it clear to you, Sergeant, that this  
9 was a person who was not responding well to the  
10 situation? Was that apparent?

11 A. She was not responding to the situation and  
12 I did not understand why.

13 Q. Did she seem scared?

14 A. The conversations that I had with her, we  
15 were in the holding area for, I guess, with the passage  
16 of time, 20 minutes or so. I had all of the paperwork  
17 there for her. I had the ticket, I had the Rule 4.01,  
18 I had the statute for the contempt, and I explained  
19 everything to her. I just needed her name and date of  
20 birth.

21 And so as far as being scared, she was  
22 upset, but I don't -- I don't know how she was feeling  
23 on the inside.

24 Q. You weren't intimidated by her, were you?

25 A. No.

1 To just kind of call off the dogs and just give her the  
2 citation and just be done with it?

3 A. No.

4 Q. So you felt that everything that happened  
5 from the point you told her she was under arrest, up  
6 until the time she was released the next day was all  
7 fair?

8 A. Yes.

9 Q. Okay.

10 A. That's the way I would treat anyone, yes.

11 Q. Okay. And you're okay with the notion that  
12 she had to go to jail and had to spend the night in  
13 jail? You felt that was fine, under the circumstances?

14 A. If she would have cooperated, excuse me,  
15 cooperated, she wouldn't have been in jail. She put  
16 herself in jail.

17 Q. But you said earlier that the only issue  
18 was you were having trouble ascertaining her name. So  
19 if when you went to these other sources and you had no  
20 ambiguity as to what her name was, you would have just  
21 issued the citation and that would have been the end of  
22 it, right?

23 A. If there would have been no ambiguity, yes.

24 Q. Alright.

25 MR. PADDEN: Off the record.

1           was, did you ever look at her phone after it was taken  
2           into custody?

3           A.    No.

4           Q.    Did you ever look at her camera after it  
5           was taken into custody?

6           A.    Yes.

7           Q.    Okay. Did you have a warrant for that?

8           A.    No.

9           Q.    Okay. Why did you do that then?

10          A.    Because I asked Judge Knutson if I could  
11          have a verbal Court Order to look at the phone -- I'm  
12          sorry, the camera.

13                   MR. PADDEN:   I know, it gets me. I  
14          know I have done the same thing in this case, because  
15          nowadays it is almost like cameras and phones are one  
16          in the same thing.

17                   (Off the record.)

18                   BY MR. PADDEN:

19                   Q.    So you felt it was okay to look at the  
20          phone because the judge said it was okay?

21                   A.    Correct.

22                   Q.    And what was your purpose in looking at the  
23          phone? The phone first and then we will talk about the  
24          camera.

25                   Wait a minute. You told me that Judge

1 Knutson gave you permission to look at the camera?

2 A. Yes.

3 Q. I apologize, sir. And what was your  
4 purpose in looking at the camera?

5 A. Because Deputy Gonder said that he saw a  
6 flash when he entered the courtroom, so we had reason to  
7 believe that she had taken a picture in the courtroom,  
8 specifically of Deputy Gonder.

9 Q. Okay. So you thought it was okay to look  
10 at the camera after the judge said it was okay?

11 A. Correct.

12 Q. Okay. Alright. So, eventually she came  
13 back into the courtroom in a wheelchair, without her  
14 glasses and handcuffed, right?

15 A. Yes.

16 Q. Okay. And this was an officer of the  
17 court, right?

18 A. Yes.

19 Q. A licensed attorney?

20 A. Yes.

21 Q. Okay. Have you read the transcript of the  
22 questions that Judge Knutson asked you on 9/12/13  
23 recently?

24 A. With my attorney I went over it.

25 MR. TIMMERMAN: We are not going to

1           Q. And you were waiting for a recess to  
2 approach Ms. MacDonald?

3           A. Yes.

4           Q. Okay. You told her she was under arrest  
5 for the Contempt of Court violation and she needed to go  
6 with you to the back hallway, correct?

7           A. Yes.

8           Q. And you told her, before you took her back  
9 there, that she would be getting a ticket and then she  
10 would be released, correct?

11          A. Yes.

12          Q. Okay. Did you escort her out of the  
13 courtroom in handcuffs?

14          A. No.

15          Q. Okay. Were you concerned about any of the  
16 people that Ms. MacDonald was with, in terms of whether  
17 they could be potentially a problem for you from a  
18 security perspective?

19          A. I was more concerned about recording in the  
20 courtroom.

21          Q. Okay. Did any member of your agency ask --  
22 I may have asked this, Counsel, and I apologize, asked  
23 Ms. Grazzini-Rucki to leave the courtroom with the file?

24          A. No.

25          Q. Do you know who took the file out of the

1           Q. Okay. So she was under arrest as you  
2 actually escorted her out of the courtroom, correct?

3           A. Yes.

4           Q. Okay. I apologize.

5                 How much time elapsed from the time you  
6 escorted her out of the courtroom up until the time she  
7 started crying?

8           A. I don't remember.

9           Q. Did anybody ever mention the name of a  
10 person Nelson Mandela during the time you interacted  
11 with Ms. MacDonald on 9/12/13?

12          A. I don't remember.

13          Q. Okay. How long was the lunch break, sir?

14          A. For specifics, I would have to look at the  
15 report, if I put it in there.

16          Q. That's okay. How quickly was she  
17 handcuffed, in terms of time, after the time that she  
18 was taken out of the courtroom?

19          A. It was a significant period of time.

20          Q. Meaning over an hour?

21          A. Over an hour.

22          Q. Okay. Did you bring her back in the  
23 courtroom only because the judge asked that she be  
24 brought back into the courtroom?

25          A. I know he did ask, so we brought her down.

1           Q.    Okay. But you wouldn't have done that but  
2 for the judge asking that she be brought back in?

3           A.    Correct.

4           Q.    Okay. After she was brought back in the  
5 courtroom, the judge continued with the trial, correct?

6           A.    Yes.

7           Q.    How long did that go on for?

8           A.    I don't know how long the whole trial went.  
9 I left the courtroom.

10          Q.    So you -- after she was brought back in the  
11 courtroom, you did not stay with her, correct?

12          A.    Correct.

13          Q.    Did you order someone to be in the  
14 courtroom the whole time she was in there?

15          A.    Yes.

16          Q.    So, once she was under arrest and detained,  
17 in a wheelchair, handcuffed and back in the courtroom,  
18 it would not be appropriate for her to ever be alone  
19 without a member of law enforcement, correct?

20          A.    Correct.

21          Q.    Did you designate a particular person to  
22 handle those duties, sir?

23          A.    Deputy Gonder brought her back down. And  
24 then if we have a person that's in custody, a deputy has  
25 to stay with that person.

1           Q. Okay. I mean you probably had kind of a  
2 general idea of what you were dealing with here, right?  
3

4           A. She had shut down, yes.  
5

6           Q. Alright. A female attorney who was maybe  
7 110 pounds, I mean was she really a threat to you guys?  
8

9           MR. TIMMERMANN: Objection; asked and  
10 answered and argumentative.  
11

12 BY MR. PADDEN:  
13

14           Q. Go ahead.  
15

16           A. Yes. I've had physical encounters with  
17 women her size and it's -- it's a use of force and it  
18 can go bad.  
19

20           Q. Did you have any interaction with Attorney  
21 Fluegel at all on 9/12/13 or 9/13/13?  
22

23           A. No.  
24

25           Q. Have you ever been trained in PREA, sir?  
26

27           A. Yes.  
28

29           Q. Okay. Have you ever been trained in  
30 deescalation techniques? I don't know if I asked that  
31 one.  
32

33           MR. TIMMERMANN: You have.  
34

35           MR. PADDEN: I did? Okay.  
36

37 BY MR. PADDEN:  
38

39           Q. Can you tell me?  
40

41           A. Yes.  
42

1           A. That's our protocol.

2           Q. So no matter who it is, whether it is a  
3 misdemeanor or up, you handcuff them?

4           A. Right, it prevents escape.

5           Q. I know. But isn't there a big difference  
6 between an attorney taking a picture of a deputy in a  
7 courtroom versus a guy in custody for armed robbery or  
8 something? Or do you not make any distinction that way?

9           A. I do make a distinction. A person that  
10 would be held in custody for a violent felony would  
11 probably have an ankle bracelet and be more severely  
12 restrained.

13           Q. Michelle MacDonald wasn't a security risk,  
14 was she?

15           A. Can you specifically say what type of  
16 security? To harm me maybe?

17           Q. Yes. Was she a threat to harm you?

18           A. She could be, yes.

19           Q. Okay. And did she have a criminal record?  
20 Did you ascertain whether she had a criminal record  
21 while all of this was going on?

22           A. I know that she had a DWI.

23           Q. Okay. But no crimes of -- how do I say  
24 this? There were no serious felonies, correct?

25           A. Correct.

1       keep men at the jail and we forward female inmates to  
2       the Ramsey County Workhouse. Women do stay overnight.  
3       They stay for days. I don't know the policies regarding  
4       the females that get to stay and the durations.

5           Q. Was a female member of your agency involved  
6       with Ms. MacDonald with the process of handcuffing her  
7       and putting her in the wheelchair before she came back  
8       in the courtroom?

9           A. Sergeant Jennifer Cho, who is no longer  
10      with us, she -- I know she did the pat search on  
11      Ms. MacDonald.

12           Q. Okay. Other than that, was it men that  
13      were involved with physically putting her in the  
14      wheelchair?

15           A. Yes, I was.

16           Q. It wasn't a female?

17           A. I don't remember whether Sergeant Cho was  
18      involved. I'm not sure.

19           Q. Did someone assist you in putting Ms.  
20      MacDonald in the wheelchair?

21           A. Yes. I believe -- I believe it was Deputy  
22      Napper or Deputy Gonder, but I think it was Deputy  
23      Napper that helped.

24           Q. Do you have any knowledge of how it was  
25      that the photo or the mugshot that day of Ms. MacDonald